



Post-Election Manual Tally Requirements

All post-election manual tally requirements must be completed within the canvass period established by Elections Code §10262 and §15372.

Increased Sample Size for Close Contests: Sampling Thresholds

Elections officials shall conduct a manual tally of 10% of randomly selected precincts for any contest where the margin of victory is less than one half of one percent (0.5%). The 10% manual tally must only be conducted for the contest in question, not the entire ballot. All precincts already randomly selected for the manual tally conducted under Elections Code §15360 may be included in the 10% manual tally. The margin of victory shall be based on the semifinal official canvass results, as defined in Elections Code §353.5.

In contests that include more than one jurisdiction, individual jurisdictions shall look to the overall margin of victory in the contest, based on the semifinal official canvass results, instead of the margin of victory only within the jurisdiction. For example, in a contest that spans two counties, if the margin of victory within one county is less than 0.5%, but the overall margin of victory in the contest according to the semifinal official canvass results is more than 0.5%, then a 10% manual tally is not required in either county. Conversely, however, if the margin of victory within a given jurisdiction is more than 0.5%, but the overall margin according to the semifinal official canvass results is *less* than 0.5%, then each jurisdiction involved in the contest shall conduct a manual tally of 10% of the precincts in which voters cast ballots for that contest in the jurisdiction.

Alternatively, elections officials may, at their discretion, conduct a 100% manual tally of the ballots in a given contest if the margin of victory is less than one half of one percent (0.5%). This alternative may be useful for very small contests in which fewer than 1,000 votes are cast and may allow for more efficient planning of the manual tally process established in Elections Code §15360.

Escalation Requirements for Variances

When variances between the semifinal official canvass results and the manual tally results are discovered, elections officials must document and disclose those variances and take the following steps to resolve the variances:

- Variances found in the manual tally sample for a given contest must be presumed to exist in at least the same proportion in the remaining ballots cast in the contest.

- To calculate the variance percentage for each contest, compare the total number of variances found in the manual tally sample for the contest to the total ballots cast for that contest in the manual tally sample. If the variance percentage represents at least 10% (one-tenth) of the margin of victory for that contest based on the semifinal official canvass results, then additional precincts must be manually tallied for that contest. This requirement is designed to guard against the possibility that the percentage of variances in the remaining ballots is higher than that found in the manual tally sample.
- Additional precincts must be tallied in randomly selected blocks of 5% until the total number of variances presumed to exist – re-calculated using the method above – is smaller than 10% of the overall margin of victory in that contest, based on the semifinal official canvass results, or until all ballots have been manually tallied, whichever comes first.
- If any variance is found between manually tallied VVPAT records and corresponding electronic vote results that cannot be accounted for by some obvious mechanical problem, then the VVPAT records, memory cards and devices, and DRE machines must be preserved and the Secretary of State must be notified in order to allow for an investigation to determine the cause of the problem. The Secretary of State shall conduct the investigation in such a manner as to minimize adverse impact on the conclusion of the canvass and certification of the election, as well as preparation for any upcoming elections.
- For multi-winner elections, the margin of victory is the difference between the candidate who had just enough votes to win a seat and next candidate below. For example, for a contest with three open seats, the margin of victory would be the difference between the third and fourth place candidates. The margin of victory shall be measured using the semifinal official canvass results.

Transparency Requirements

Elections officials must ensure implementation of the following procedures to make the post-election manual tally process more transparent and effective:

- Precinct tally results must be made available to the public before the manual tally of those results begins.
- Elections officials must begin the manual tally as soon as practicable after the random selection of precincts for the manual tally.
- The manual tally must be conducted in public view by hand without the use of electronic scanning equipment.
- Elections officials shall comply with the notice requirements established in Elections Code §15360 when conducting any post-election manual tallying

required by this recertification. However, elections officials may accomplish this by providing one notice containing the times and places of: 1) the initial selection of precincts for the 1% manual tally and any 10% manual tally required; 2) the beginning of the manual tally process; and 3) any additional selection of precincts which may become necessary to comply with escalation requirements.

- Observers must not be permitted to touch ballots or interfere in any way with the tallying, but observers must be permitted to watch the process in a manner that allows them to verify the tally.
- Elections officials shall keep a log to record the manual tally process, including the results of each round of manual tallying for each precinct included in the sample, how variances were resolved, and details of any actions taken that are contrary to written protocols. The log must be made available to the public.
- Undervotes and overvotes must be tracked and reported as part of the manual tally process. Elections officials must take measures to ensure that cancelled DRE ballots are not inadvertently tallied as valid ballots in the manual tally process. (Damaged ballots are not included, because they are not valid ballots and therefore not electronically tallied.)
- People conducting the manual tally should not be told the corresponding electronic vote results in case a repeat tally is necessary. Poll workers involved in the manual tally may not be assigned to tally the results from a precinct where they worked on Election Day.